

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1281**

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**Introduced by Assembly Member Portantino**

February 27, 2009

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An act to add Section 49062.5 to the Education Code, relating to pupil data.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1281, as amended, Portantino. Pupil data: California School Racial Equality Designation Act.

Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools.

This bill would enact the California School Racial Equality Designation Act. The bill would express findings and declarations of the Legislature relating to the collection of data on the race or ethnicity of persons who identify themselves as members of more than one race.

The bill, commencing on July 1, 2010, would require any state agency, board, or commission that directly, or by contract, collects demographic data on the race or ethnicity of pupils in any elementary or secondary school to provide written instructions for reporting racial information that specify that multiracial pupils may check 2 or more boxes. ~~The bill would require the Superintendent of Public Instruction to notify each school district, county office of education, and charter school~~

administrator that it is the intent of the Legislature that, commencing on July 1, 2010, a pupil asked to provide demographic data on race or ethnicity be provided written instructions that specify that multiracial pupils may check 2 or more boxes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3 (a) The State of California currently has the largest population  
4 of people among the 50 states who checked more than one race in  
5 the 2000 Census, which was the first time that multiracial  
6 individuals were allowed to accurately identify their full heritage.  
7 Forty-two percent of persons who chose more than one race on  
8 the United States 2000 Census were under 18 years of age.

9 (b) Many changes that influence terminology for the race and  
10 ethnicity of Americans started with data collection forms. Although  
11 the census is often a source for the proper terms to refer to  
12 individual races and ethnicities, it is not infallible, and has changed  
13 over time. For example, in 1850, United States Census forms  
14 carried this terminology: "Color (White, Black or Mulatto)." In  
15 1880, the forms stated: "Color--White, W; Black, B; Mulatto, Mu;  
16 Chinese, C; Indian, I." The 1930 Census was the last time that  
17 census takers were ordered to apply the "one drop rule." In fact,  
18 the only definition that has never changed on the Census is the  
19 definition of "White."

20 (c) Just as the federal government officially replaced "Oriental"  
21 or "Chinese" with "Asian," changed "Colored" to "Negro,"  
22 "African American," or "Black," and changed "Alaskan Native"  
23 to "Alaska Native," the federal government has heard and answered  
24 the public's need for changes in terminology. In California, Section  
25 8310.5 of the Government Code requires state agencies to include  
26 "Asian," as well as 11 subcategories, on every form requiring racial  
27 and ethnic data.

28 (d) Today, while the census allows persons to check more than  
29 one box, it does not collectively refer to those individuals as  
30 multiracial, but rather as "people of more than one race in the  
31 United States" or as "people of two races." During hearings in

1 Washington, D.C. in 1993, the Office of Management and Budget  
2 asked parents of multiracial children, and multiracial adults, for  
3 one defining term. That term was, and remains today, “multiracial.”

4 (e) The “Standards for Maintaining, Collecting, and Presenting  
5 Federal Data on Race and Ethnicity” were published in 1997 by  
6 the federal Office of Management and Budget. These standards  
7 require federal agencies to ensure that individuals have the option  
8 of selecting one or more ethnic or racial designation on federal  
9 government forms.

10 (f) (1) Beginning in the 2009–10 fiscal year, the United States  
11 Department of Education will require schools and school districts  
12 to collect and report race and ethnicity data using a two-part  
13 question, which will consist of one question for ethnicity (Hispanic  
14 or Latino) and one question for race. The State Department of  
15 Education is incorporating the federal requirements regarding race  
16 and ethnicity into the California Longitudinal Pupil Achievement  
17 Data System, but its “Guidance Letter, Attachment 1” to schools  
18 and school districts does not include or mention multiracial  
19 children.

20 (2) The document “Managing an Identity Crisis: Forum Guide  
21 to Implementing new Federal Race and Ethnicity Categories” has  
22 been issued by the National Forum on Education Statistics. This  
23 task force, chosen by the United States Department of Education,  
24 selected 22 representatives from 14 state departments of education  
25 to disseminate their findings and suggestions to the states on how  
26 to implement the federal requirements. None of the task force  
27 members were from California.

28 (g) Multiracial children have historically been forced to choose  
29 a single race when demographic information is collected. Although  
30 it is progress to have the ability to check more than one box, it is  
31 also time to terminate the use of pejorative or derogatory  
32 terminology for this group of Americans, which have included  
33 such terms as mulatto, mixed-up, half-caste, mutt, oreo, and  
34 half-breed. In the most comprehensive book on the subject, *The*  
35 *Multiracial Experience: Racial Borders in the New Frontier* (1996;  
36 Sage Publications, Maria P.P. Root, Editor), the glossary states:

37 “Multiracial refers to people who are of two or more racial  
38 heritages. It is the most inclusive term to refer to people across all  
39 racial mixes. Thus it also includes biracial people.”

(h) California has the opportunity at this time to be the most progressive of all 50 states by utilizing the term “multiracial.” This will allow multiracial children in California schools to feel included in the system, not excluded and invisible. Furthermore, it will give teachers and administrators a clear and appropriate term when referring to multiracial children.

(i) (1) Current reports comparing students based on race and ethnicity data have rarely included multiracial students. Unless multiracial students are included in data that California uses to assess the needs of its students, policymakers are denied access to accurate and complete information.

(2) In a paper published by the Psychological Study of Social Issues (2009), *The Interpretation of Multiracial Status and Its Relation to Social Engagement and Psychological Well-Being*, researchers from Stanford University, the University of California, Los Angeles, and the University of Kansas, studied 182 multiracial students in California. Results showed that those who identified as multiracial tended to report either equal or higher psychological well-being and social engagement. The Board of Education of the Canton City Schools of Canton, Ohio found that multiracial girls have the highest graduation rate among all subgroups. This is the kind of information California schools could glean from similar data.

(j) With the expectation that this population will continue to grow, it is in the best interests of the State of California to collect accurate multiracial data relating to children in the California public schools.

(k) At this time, when California is changing its forms to conform with federal requirements for reporting racial and ethnic data, an opportunity presents itself to include “multiracial” on written instructions to students. Placing this term in written instructions will allow multiracial students to see themselves on the form, will not interfere with conformity to federal requirements, and will begin a process of validating this growing population of Californians.

SEC. 2. Section 49062.5 is added to the Education Code, to read:

49062.5. (a) This section shall be known and may be cited as the California School Racial Equality Designation Act.

1 (b) Commencing on July 1, 2010, any state agency, board, or  
2 commission that directly, or by contract, collects demographic  
3 data on the race or ethnicity of pupils in any elementary or  
4 secondary school shall provide the following written instructions  
5 for reporting racial information on all forms: "Multiracial pupils  
6 may check two or more boxes."

7 ~~(e) The Superintendent shall notify each school district, county~~  
8 ~~office of education, and charter school administrator that it is the~~  
9 ~~intent of the Legislature that, commencing on July 1, 2010, a pupil~~  
10 ~~asked to provide demographic data on race or ethnicity be provided~~  
11 ~~the following written instructions for reporting racial information~~  
12 ~~on all forms: "Multiracial pupils may check two or more boxes."~~